



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Ministry for Primary Industries
Manatū Ahu Matua



14 May 2020

MPI reference: B20-0230

MBIE reference: 3318 19-20

COVID-19: Request for exemption to border restrictions for workers in the scampi fishery (s 9(2)(b)(ii))

Purpose:

This briefing seeks your agreement for an exemption to temporary COVID-19 border restrictions to enable essential workers in the primary industries to enter New Zealand.

Minister	Action Required:	Minister's Deadline
Minister of Fisheries	Note the contents of this brief	As soon as practicable
Minister of Economic Development	Agree to grant an exemption to temporary border restrictions to enable three essential workers in the scampi fishery to enter New Zealand from Australia.	

Contact for telephone discussion (if required)

	Name	Position	Work	Mobile
Responsible Manager	Andrew Hill	Manager, Fisheries and Aquaculture Policy	s 9(2)(a)	s 9(2)(a)
Principal Author	s 9(2)(a)	Senior Analyst, Fisheries and Aquaculture Policy	s 9(2)(a)	s 9(2)(a)

Key Messages

1. On 19 March 2020, Cabinet agreed to border restrictions preventing all entry into New Zealand with specific exceptions. Exceptions include essential workers as agreed, on a case-by-case basis, by the COVID-19 Ministerial Group.
2. On 21 April, Cabinet agreed to delegate decision making on exemptions to border restrictions for essential workers to the Minister for Economic Development and the relevant portfolio Minister, while requests for exemptions for classes of workers continue to be considered by the COVID-19 Ministerial Group.
3. The Ministry for Primary Industries (MPI) has received a request to enable three workers in the scampi fishery to enter New Zealand to crew the fishing vessel s 9(2)(b)(iii), operated by s 9(2)(b)(ii).
4. The s 9(2)(b)(iii) is a New Zealand-owned, New Zealand-flagged vessel, specifically set up for scampi fishing and on-board processing, packing, and freezing.
5. The three crew members are highly skilled and hold the appropriate qualifications, and are not able to be replaced by others who are already in New Zealand.
6. This request for an exemption is supported by MPI and the Ministry of Business, Innovation, and Employment (MBIE) as the workers possess unique technical expertise which is deemed to be critical to delivering an essential service.
7. If the s 9(2)(b)(ii) were to cease to operate, its four New Zealand-based crew, as well as its Australia-based crew, would lose their jobs. This could also jeopardise supply into export markets, threatening to undo work that has taken place to establish a boutique market niche.
8. The current Health Act Order requiring all air arrivals to go into managed isolation at a government-run facility includes an exemption for maritime crew members immediately transferring to a vessel, provided they have an acceptable alternative plan for self-isolation.
9. s 9(2)(ba)(ii), as provided MPI and MBIE with a detailed plan for these workers to self-isolate on the s 9(2)(b)(iii), which is consistent with Ministry of Health (MoH) guidance on acceptable self-isolation plans.

Recommendations

10. The Ministry for Primary Industries and the Ministry of Business, Innovation and Employment recommend that you:

- a) **Note** that officials have received a request to enable three workers to enter New Zealand from Australia to work in the scampi fishery.

Noted

- b) **Note** that this request is supported by the Ministry for Primary Industries and the Ministry of Business, Innovation and Employment, as the three workers are critical to the delivery of an essential service.

Noted

- c) **Note** that these three workers are highly skilled and hold the appropriate qualifications, and are not able to be replaced by others who are already in New Zealand.

Noted

- d) **Note** that these workers, upon arrival in New Zealand, plan to go straight to the vessel s 9(2) for 14 days of self-isolation.

Noted

- e) **Agree** to grant an exemption to the COVID-19 border restrictions for these workers.

Agreed / Not Agreed

- g) **Agree** to forward this briefing to the Minister of Immigration and the Minister of Health for their information.

Agreed / Not Agreed

s 9(2)(a)

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Hon Stuart Nash
Minister of Fisheries

/ / 2020

s 9(2)(a)

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/ / 2020

Background

Border restrictions

11. On 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand [CAB-20-MIN-0122 refers].
12. Cabinet also agreed high level parameters for case-by-case exemptions to COVID-19 border restrictions including essential workers identified by the group of Ministers with Power to Act. [CAB-20-MIN-0122 refers].
13. Cabinet agreed, for the purpose of these exemptions, “essential workers” are those required to ensure continuity of an essential service, and that the threshold for making exemptions should be high.
14. On 21 April 2020, Cabinet agreed to delegate decision making on exemptions to border restrictions for essential workers to the Minister for Economic Development and the relevant portfolio Minister, while requests for exemptions for classes of workers continue to be considered by the COVID-19 Ministerial Group ministers [CAB-20-MIN-0130 refers].

The request

15. MPI officials have received a request to enable three workers in the scampi fishery to enter New Zealand to crew the fishing vessel ^{§ 9(2)} operated by ^{§ 9(2)(b)(ii)}.
16. The request relates to three senior crew members (Master ^{§ 9(2)(a)} Chief Mate ^{§ 9(2)(a)}, and Chief Engineer ^{§ 9(2)(a)}). All three are Australian citizens who are ordinarily resident in Australia but regularly travel to New Zealand for work. Additional personal information about the three crew members is attached as Appendix One.
17. At the time of Alert Level 4 coming into effect, the ^{§ 9(2)} was in dry-dock in Whangarei. ^{§ 9(2)(b)(ii)} was advised on 17 April that the vessel would be ready to sail between 7-9 May.
18. All crew members departed New Zealand for Australia in mid-March, before New Zealand entered Alert Level 4.
19. The ^{§ 9(2)} is a New Zealand-owned, New Zealand-flagged vessel, specifically set up for scampi fishing and on-board processing, packing, and freezing.
20. These three crew members are highly skilled and hold the appropriate qualifications, and are not able to be replaced by others who are already in New Zealand.
21. As the Master, Chief Mate, and Chief Engineer, they are crucial to the ^{§ 9(2)(b)} operations, with intimate knowledge of the vessel and its operations, and transferable experience from the Australian prawn fishery.

22. According to s 9(2)(b)(ii), it took almost 12 months to recruit these specialists, which should be considered alongside the training and development that s 9(2)(b)(ii) has invested in over the course of employment (one to three years).
23. This request is supported by the Ministry for Primary Industries and the Ministry of Business, Innovation and Employment as the workers possess unique technical expertise and are deemed to be critical to this operator delivering an essential service. The primary industries, including fisheries, were determined to be essential services during the COVID-19 response.
24. s 9(2)(b)(ii) contributes significantly to local economies across New Zealand, including in the regions.
25. If the s 9(2)(b)(ii) were to cease to operate, the four New Zealand-based crew, as well as the Australia-based crew, would lose their jobs. This could also jeopardise supply into export markets, threatening to undo work that has taken place to establish a boutique market niche. s 9(2)(b)(ii) estimates losses approaching NZ\$1M for the remainder of the fishing year if these crew are unable to travel.

Isolation arrangements

26. On 9 April 2020, the Director-General of Health made an order under s.70(1)(f) of the Health Act 1956, requiring all air arrivals to go into managed isolation at a government-run facility. The border settings were confirmed by Cabinet on Monday 20 April 2020 [CAB-20-MIN-0176 refers].
27. However, on 21 April 2020, the Health Act Order was amended to exclude “maritime crew (immediately transferring to a vessel)” from this requirement. MoH advises that those who fall under this exemption must have an acceptable self-isolation plan.
28. If an exemption to the border restrictions is granted, the crew plan to travel to New Zealand as soon as they are able to make arrangements, with the exception of s 9(2)(a) s 9(2)(a)
29. s 9(2)(b)(ii) has developed the following self-isolation plan for the crew, which is consistent with MoH guidance on acceptable self-isolation plans:
- a. The Australian crew will have been in self-isolation for more than two weeks prior to travelling, and will wear masks and maintain social distancing to the fullest extent possible during their travel.

- b. It is anticipated that all three crew will arrive on the same flight from Australia. (NOTE: If s 9(2)(a) s 9(2)(a) Instead, an alternative plan would be developed, which would meet any relevant rules and guidelines.)
 - c. Upon arrival at Auckland International Airport, the crew will have documentation (a signed letter) from s 9(2)(b)(ii) confirming they are marine crew and outlining their self-isolation plan.
 - d. A private vehicle will be waiting for the crew to collect. s 9(2)(b)(ii) staff will be present to ensure that the vehicle is fuelled up and that the crew have sufficient food and water to enable them to make the three hour drive to Whangarei without stopping. The crew and s 9(2)(b)(ii) staff will strictly observe social distancing requirements at all times.
 - e. The crew will immediately board the fishing vessel in Whangarei. The "bubble" on the vessel will consist of two New Zealand crew in addition to the three Australian crew. That bubble will self-isolate together without interaction with anyone else.
 - f. After a period of 24 hours, once the crew have completed routine checks required after a vessel has been in dry-dock, the vessel will put to sea, but, for the 14-day isolation period, remain within four hours steaming of the Port of Tauranga. This proximity would allow the vessel to steam directly to Tauranga in the unlikely event that one of the crew became unwell or if there are issues with the vessel after dry-dock.
 - g. A strict cleaning policy will be maintained for the duration of the initial 14-day period, and signs will be placed on the ship's rail, advising that no one is to board the vessel under any circumstances.
 - h. Once the 14-day isolation period has been observed, the vessel will steam to Napier and discharge its first catch. That discharge will not require any interaction closer than two metres with shore based personnel. The operation involves the depositing of the net on a wharf by a shore-side crane.
 - i. The vessel will then sail from Napier to Dunedin for fuel and supplies, and, from there, commence fishing in the Auckland Islands scampi fishery. Throughout that period, none of the crew will have any interactions closer than two metres with any person outside the vessel bubble.
30. All three crew plan to remain in New Zealand until late August at the earliest. It is likely that they will want to return to New Zealand for additional fishing trips one or more times within the next calendar year.
31. All costs associated with the workers' international and domestic travel, accommodation and support will be met by s 9(2)(b)(ii) .
32. s 9(2)(b)(ii) has provided guarantees that they will meet costs associated with these workers, particularly in the event that they are stranded in New Zealand due to changes in the COVID-19 alert level or other necessary restrictions.

Next steps

33. If the requests are approved, in accordance with Immigration Instructions, *H5: COVID-19 Support Restricted Temporary Entry Instructions*, the workers will be invited to apply for supported temporary visas or variations of conditions as essential workers.

Proactively Released

Appendix One: List of Essential Workers

Full name: s 9(2)(a)
Position: Master
Passport Number: s 9(2)(a)
Nationality: Australian
Date of birth: s 9(2)(a)

Full name: s 9(2)(a)
Position: Chief Mate
Passport Number: s 9(2)(a)
Nationality: Australian
Date of birth: s 9(2)(a)

Full name: s 9(2)(a)
Position: Chief Engineer
Passport Number: s 9(2)(a)
Nationality: Australian
Date of birth: s 9(2)(a)

Proactively Released